

REMARKS/ARGUMENTS

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

Upon entry of the above amendments claim 1 will have been amended and claims 4 and 14 will have been canceled. Claims 1, 3, 5, 7-11 and 13 are currently pending. Applicant respectfully requests reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

The Examiner has objected to the specification, under 37 C.F.R. 1.75(d)(1), for failing to provide proper antecedent basis for the claimed subject matter. The Examiner has indicated that the recitation of "blank recording mode" in claim 14, line 8, lacks antecedent basis in the specification. While not necessarily agreeing with the rejection, nevertheless Applicant respectfully submits that claim 14 has been canceled in the present amendment. Therefore, the objection to the specification is moot. Accordingly, withdrawal of the objection to the specification is respectfully requested and now believed to be appropriate.

The Examiner rejected claims 1, 3-5, 7-11 and 13 under 35 U.S.C. §103(a) as being unpatentable over MORONAGA et al., U.S. Patent No. 5,956,084 in view of NIWA, U.S. Patent No. 6,538,692.

Applicant, however, respectfully traverses the above-noted rejection and submit that it is inappropriate for at least each of the following reasons. Although Applicant does not necessarily agree with the Examiner's rejection of the claims

on these grounds, nevertheless, Applicant has amended independent claim 1 to clearly obviate the above noted grounds of rejection in order to expedite prosecution of the present application. In particular, claim 1, as amended, recites, inter alia, a photographing operation control device for a still camera including a blank photographing operation performing processor, which performs the photographing operation in a blank photographing mode when said recording medium sensing processor senses that the recording medium is not mounted.

Applicant submits that MORONAGA and NIWA, alone or in any proper combination, lack any disclosure of *a blank photographing operation performing processor, which performs the photographing operation in a blank photographing mode when said recording medium sensing processor senses that the recording medium is not mounted.*

The Examiner cites to MORONAGA, column 10, lines 20-22 and column 12, lines 1-24, as disclosing the aforementioned feature. However, Applicant submits that cartridge detector circuit of MORONAGA detects loading of the memory cartridge and sends a signal to the CPU (col. 10, lines 20-22). The CPU recognizes the number of photographable frames left on the memory cartridge and the number of photographed frames stored (Col. 10, lines 27-29). Power necessary for backing up the external RAM is supplied by a battery in a power supply circuit incorporated in the memory cartridge (Col. 10, lines 28-31). Thus, it appears that the purpose of the cartridge detector circuit of MORONAGA is to submit a signal to the CPU, which in turn determines the available memory of the

cartridge so that the necessary power for backing up the external RAM is supplied. Further, MORONAGA teaches that in a case where the user expects that the number of frames to be shot will be less than 12 there is no need to carry the memory cartridge and when a picture is to be taken, the main switch can be changed over from the position of the indicator mark to access the internal RAM (Col. 12, lines 1-10 and 14-17). Thus, there is no disclosure of a blank photographing operation performing processor performing a photographing operation in a blank photographing mode when the recording medium sensing processor senses that the recording medium is not mounted.

Moreover, Applicant submits that NIWA, alone or in any proper combination, fails to supply the deficiencies of MORONAGA. NIWA purportedly teaches a volatile buffer memory configured to overwrite the image data and a normal photographing operation performing processor. However, even assuming, arguendo, that these features are disclosed, NIWA still fails to disclose the combination of elements as discussed above, particularly, *a blank photographing operation performing processor, which performs the photographing operation in a blank photographing mode when said recording medium sensing processor senses that the recording medium is not mounted*. Further, Applicant submits the Examiner has not provided sufficient motivation to modify the teachings of MORONAGA in view of NIWA, and that the only reason to combine the teachings of the applied patent results

from a review of Applicant's disclosure and the application of impermissible hindsight.

Applicant further submits that claim 13 is similar to claim 1 in that it recites, inter alia, a photographing operation control device for a still camera wherein when a recording medium is not installed in said electronic still camera, said system controller automatically sets said photographing operation to said blank photographing mode. Thus, claim 13 is allowable for similar reasons discussed above with respect to claim 1.

The Examiner rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over NIWA in view of MORONAGA. Without acquiescing to the propriety of the rejection, claim 14 has been canceled in the present amendment. Therefore, the rejection of claim 14 is moot. Accordingly, the rejection of claims 1, 3-5, 7-11 and 13 under 35 U.S.C. §103(b) based on MORONAGA and NIWA is improper for all of the above reasons, and withdrawal thereof is respectfully requested.

SUMMARY

Applicant submits that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Koichi SATO



Bruce H. Bernstein
Reg. No. 29,027

William E. Lyddane
Reg. No. 41,568

November 30, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191